

C. **ROYAL WARE COMPANIES** is "Defendant Royal Ware". Defendant Royal Ware is being furnished a copy of this Discovery Plan by certified mail at 4444 Westheimer Road #421, Houston, Texas 77027.

D. **NEW ERA INC.** is "Defendant New Era". Defendant New Era is represented by Mr. William C. Boyd of Patterson, Boyd & Lowery, P.C., 2101 Louisiana, Houston, Harris County, Texas 77002 (PHONE: (713) 222-0351/FAX: (713) 759-0642) (TBA# 02779000).

2. **MEETING OF THE PARTIES.**

Plaintiffs and Defendants New Era and Equitable Finance Corp. have met telephonically several times in September and October and once in person on October 16, 2001 pursuant to 26(F) F.R.C.P. The meeting was attended by William C. Boyd on behalf of Defendants New Era and Equitable and Rich Tomlinson on behalf of Plaintiff.

3. **SETTLEMENT.**

Settlement discussions are ongoing. Plaintiff and Defendant both require additional discovery before a final determination can be made regarding settlement.

The parties are not opposed to non-binding mediation if the matter is not otherwise amicably resolved.

4. **INITIAL DISCLOSURES.**

The parties have agreed that initial disclosures pursuant to Rule 26A(1)(2) and (3) should be made on or before December 1, 2001.

5. **DISCOVERY.**

The parties anticipate that documentation will be required to be exchanged between all parties. The parties also intend that depositions be taken after the exchange of documentation. Interrogatories and other discovery may also be required depending on the depositions.

The parties anticipate that discovery can be accomplished on or before July, 2002.

The parties have agreed that there should be no limitation on the discovery.

6. **TRIAL.**

The parties believe that the trial of this case can be accomplished in three (3) days.

Respectfully submitted,

Rich Tomlinson
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Attorney for Plaintiffs,
**JULIO COLEGIO, EDUARDO HERNANDEZ
and MANUEL PADILLA, ON BEHALF OF
THEMSELVES AND ALL OTHERS
SIMILARLY SITUATED**

PATTERSON, BOYD & LOWERY, P.C.

By: _____

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Attorneys for Defendant,
**EQUITABLE ACCEPTANCE
CORPORATION and NEW ERA INC.**


Attorneys for Defendant
ROYAL WARE COMPANIES

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded, on this the 24 day of Oct, 2001 to:

**Mr. Rich Tomlinson
One Greenway Plaza
Suite 100
Houston, Texas 77046**

**Royal Ware Companies
4444 Westheimer Road #421
Houston, Texas 77027**



WILLIAM C. BOYD